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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,172	01/14/2000	Deborah Tate Welsh	30010	8037

7590 10/31/2003

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EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

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DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/483,172

Applicant(s)

WELSH, DEBORAH TATE

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2157

1. This action is responsive to the amendment filed on August 12, 2003. Claims 1, 7, 9, 11, 13-17, and 19-20 were amended. Claims 2-5 were canceled. Claims 1, 6-20 are pending. Claims 1, 6-20 represent a method, program and apparatus for a pet registration, search and retrieval.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shorrock et al., U.S. Patent No. 6,283,065.

Shorrock teaches the invention substantially as claimed including a animal collar that identifies a pet and allows a person to retrieve information on that pet from a database (see abstract).

As to claim 1, Shorrock teaches a method of locating lost pets comprising the steps of:

a)issuing a rabies tag to a pet, the rabies tag displaying information comprising a alpha-numeric digits that identify the pet (see fig. 1; col. 3-4; col. 6, lines 35-40, Shorrock discloses that the collar and stud assembly may be used as a rabies tag and further incorporate an identification code identifying the pet).

Shorrock does not explicitly teach the limitation wherein the rabies tag identifies veterinarian name, a veterinarian's phone number, and a listed year corresponding to when the tag was issued. However, Shorrock discloses that the rabies tag/ stud code combination has a unique alphanumeric code that is part of a data record of a health care database, where the animals data record also includes not only the ID code, but also medical information about the animal, including photo, medical history, next

veterinarian visit, vaccination schedule, treatment schedules, birth date, pedigree and/or the like (see col. 4, lines 20-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the medical information identified by the rabies tag taught by Shorrock by specifying identification of veterinarian name, phone number, and a listed year the tag was issued since the same functionality of describing medical information is achieved.

B)submitting the rabies tag information relating to the pet and pet owner contact information to a computer-readable memory accessible by a host computer, whereby a submitting party is selected from the group consisting of a veterinarian and pet owner (see col. 4, lines 20-25; col. 8, lines 1-15, Shorrock discloses that the pet owner submits the pet information to a centralized database);

c)storing the rabies tag information and the pet owner contact information in a computer-readable memory accessible by a host computer(see figs. 1-19; col. 8, lines 1-15, Shorrock discloses that a pet owner can register their pet medical/profile information in a database);

d)issuing a second tag to a pet that provides information to a person who finds a lost pet on how to access the host computer via a communications network and to enter rabies tag information relating to the lost pet (see col. 6-8, Shorrock discloses that the collar can include both a rabies tag and electronic stud containing code identifying the animal medical/profile information);

e)comparing in the host computer the rabies tag information entered by the person who found the pet to the rabies tag information provided by the pet owners in an attempt to find a match (see col. 13, Shorrock discloses that after registering the pet collar, a person who found the pet could enter the collar information and retrieve owner contact information);

f)providing the person who found the lost pet with the contact information for the owner of the lost pet if a match is found (see col. 13, Shorrock discloses that after registering the pet collar, a person who found the pet could enter the collar information and retrieve owner contact information).

As to claim 6, Shorrock teaches the method as set forth in claim 1, the communications network including the Internet (see col. 6-8).

As to claim 7, Shorrock teaches the method as set forth in claim 1, the pet information being information selected from the group consisting of a name of the pet, a licensing agency, a year the pet was vaccinated, an indication of a pet type for the pet, an indication of a breed of the pet, a color of the pet, a date the pet was found, and a location where the pet was found (see col. 6-13).

As to claim 8, Shorrock teaches the method as set forth in claim 1, the contact information comprising information selected from the group consisting of the pet owner's name, the pet owner's address, the pet owner's telephone number, a veterinarian for the pet, the veterinarian's address, and the veterinarian's phone number (see col. 6-13).

Claims 9-20 do not teach or define any new limitations above claims 1, 6-8 and therefore are rejected for similar reasons.

4. Applicant's arguments filed August 12, 2003 have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that; A) the '065 patent does not teach the use of a rabies tag number to specifically identify lost pets; B) the '065 patent does not teach that the person who found the pet would enter the lost pet information.

In response to A); the '065 patent does teach that the stud 14 can function as a rabies tag or license tag (see col. 7, lines 55-60).

In response to B); the '065 patent does teach that the third party (person who found the pet) can access the online information associated with the found animal via WWW (see col. 13, lines 30-36).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.



Saleh Najjar
Primary Examiner / Art Unit 2157